SINGLE BENCH (3) (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. No. 3300 **of 2005**

PETITIONER : N. R. Patel S/o Shri Jaylal Patel aged about 53 Yrs. Occupation upper Division Teacher Govt. Higher Secondary School Navapara (Tenda) Dharamjaigarh Distt. Raigarh.

P.R. No. 3234/05 Presented by Shri B.M. Pethoe dated 11/3/05

VERSUS

RESPONDENT :

1) State of Chhattisgarh through Secretary Adim jati tatha Anusuchit Jati Vikas Vibhay D.K.S. Bhawan Raipur.
2) Assistant Commissioner. Vi. Adivasi Vikas Raigarh (C.G.)
3) Collector Raigarh Distt, Raigarh
4) Mukut Ram Gupta S/o not known Party Worker Bahrtiya Janta Party Dharamgarh Distt. Raigarh (C.G.).

शपथ आयुक्त बिलासपुर (छ.ग.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(38)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 3300/05... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.08.2005 Smt. Hamida Siddique, counsel for the petitioner. Shri Arun Sao, Dy. Government Advocate for the State on advance copy. W.P. No. 3300 of 2005: Heard. Learned counsel for the petitioner submits that the petitioner, who is working on the post of Upper Division Teacher in Government Higher Secondary School, Navapara (Tenda) was transferred by the impugned order dated 24.9.2004 (Annexure P-1) to Government Girls High School Kachhia (Vadrafnagar) District Sarguja on administrative grounds. She further submits that just after issuance of the transfer order, the petitioner made a representation to the authority concerned on 30.9.2004 vide Annexure P- 2. Learned counsel for the petitioner further submits that on representation of the petitioner, some information was called by the Secretary of the concerned department, in reply to which, the Assistant Commissioner, Tribal Development, Raigarh had written a	

XI-HC-22

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

memo dated 13.5.2005 in which it is mentioned that the petitioner was not relieved and in place of Vadrafnagar, the petitioner can be adjusted in High School Hamieepur, Block Division Tamnar where the post of a U.D.T. is lying vacant. The copy of memo dated 13.5.2005 has been filed as Annexure P- 6. She submits that since the representation was filed and it was under consideration, the petitioner is not relieved and he is still working in Higher Secondary Navapara, District Raigarh but now the authorities are trying to relieve the petitioner without deciding his representation filed by him vide Annexure P- 2 on 30.9.2004.

Learned counsel for the petitioner prays that the order of transfer be quashed and the petitioner may be allowed to continue on his present place of posting .

On the other hand learned Dy. Government Advocate opposes this writ petition. He submits that the order was passed on administrative grounds and the petitioner must comply with the order passed by the authorities of the State.

I have heard learned counsel for the parties at length and have perused the record filed alongwith the writ petition.

Admittedly, this order of transfer was issued on 24.9.2004 and the same has not been complied till today and why the order

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

dated 24.9.2004 was kept in abeyance for such a long period, is a matter to be explained by the authorities of the State. But the fact remains that the representation filed by the petitioner has not been decided till date and on the other hand he is being forced to be relieved for his transferred place after a lapse of about 11 months.

In the facts and circumstances of the case, I deem it proper to direct the authorities of the State to dispose of the representation at the earliest. I do hereby direct that if the representation filed by the petitioner on 30. 9.2004 vide Annexure P- 2 has not been disposed of by the authorities of the State by now, then it shall be disposed of as early as possible preferably within a period of 1 month from the date of production of certified copy of this order before the competent authority so that the matter may comes to an end. The concerned authority shall keep in mind the delay caused in compliance of the order of transfer and also the recommendation/letter sent by the Assistant Commissioner, Tribal Development, Raigarh.

Since I have granted a time of 1 month from the date of production of certified copy of this order for decision of the representation of the petitioner, I also direct that the petitioner

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

shall be allowed to continue on his present place of posting for a further period of 6 weeks from today during which the representation shall be decided.

The transfer of the petitioner shall be subject to the final decision on the representation taken by the State. If the representation has already been decided, the result shall be communicated to the petitioner.

With the aforesaid observations, the petition stands finally disposed of.

Consequently, M.W.P.No. 2807/2005 also stands disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

(पीछे देखिये)